

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

THOMAS JAMES EALY, #177006,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 1:09cv1157-TMH
)	
JERRY FERRELL, WARDEN, et al.,)	
)	
Respondents.)	

ORDER AND OPINION

On February 8, 2012, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 23). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. The petition for habeas corpus relief filed by Petitioner Thomas Ealy is DENIED as Petitioner failed to file the petition within the one-year period of limitation set forth in 28 U.S.C. § 2244(d)(1); and

2. The petition is DISMISSED with prejudice.

Done this the 28th day of February, 2011.

/s/ Truman M. Hobbs

SENIOR UNITED STATES DISTRICT JUDGE